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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,795	05/24/2001	Billy G. Moon	062891.0566	2877
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER JACOBS, LASHONDA T	
			ART UNIT 2157	PAPER NUMBER
			NOTIFICATION DATE 10/10/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/864,795

Applicant(s)

MOON, BILLY G.

Examiner

LaShonda T. Jacobs

Art. Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1, 6 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 10-12, 14, 21, 22, 28-32 and 37-41 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 15-17, 23-27 and 33-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Amendment filed on July 12, 2007. Claims 7, 9, 30, 33-37 and 40 have been amended. Claims 1, 6 and 8 have been cancelled. The restriction requirement has been withdrawn and claims 13-29 are presented for examination. Claims 7, 9, 15-17, 23-27 and 33-36 are objected to. Claims 2-5, 10-14, 18-22, 24-26, 28-32 and 37-41 are presented for further examination.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **30-36** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims **30-36** lacks or not limited to (based on intrinsic evidence) physical articles or objects which are structurally and functionally interconnected to the code in such a manner or to establish a statutory category of invention and enable the code to act as a computer component and realize its functionality. On page 8 of the specification applicants have provided evidence that applicants intend the media to include transmission-type media.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **13** and **18-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Meushaw et al (hereinafter, “Meushaw”, U.S. Pat. No. 6,922,774).

As per claims **13** and **18**, Meushaw discloses a method and router for providing a general purpose computing platform at a router on a network comprising:

- configuring a virtual machine on a router with a plurality of parameters, the parameters including a plurality of authorized credentials (col. 4, lines 59-62 and col. 5, lines 34-50);
- determining an address associated with the remote site (col. 5, lines 16-33);
- retrieving logic credentials for the logic from the remote site based on the determined address (col. 4, lines 59-62 and col. 5, lines 34-50); and
- comparing the authorized credentials with the logic credentials (col. 4, lines 59-62 and col. 5, lines 34-50).

As per claim **19**, Meushaw discloses:

- wherein the virtual machine is further operable to generate a plurality of authorized credentials (col. 4, lines 59-62 and col. 5, lines 34-50).

As per claim **20**, Meushaw discloses wherein the virtual machine is further operable to:

- generated a plurality of authorized credentials (col. 4, lines 59-62 and col. 5, lines 34-50);
- retrieve logic credentials for the logic by determining an address associated with the remote site (col. 4, lines 59-62 and col. 5, lines 34-50); and

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- compare the logic credentials with the authorized credentials to verify that the processor may execute the acquired logic (col. 4, lines 59-62 and col. 5, lines 34-50).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **2-5, 10-12, 14, 21-22, 28-32 and 37-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Meushaw in view of Lewallen (U.S. Pub. No. 2003/0088708).

As per claims **30, 37 and 40**, Meushaw discloses a method, logic encoded in media and an apparatus for providing a general purpose computing platform at a router on a network, comprising:

- configuring a virtual machine on a router with a plurality of parameters (col. 4, lines 59-62 and col. 5, lines 34-50); and
- receiving, from a remote site, logic associated with a desired service to execute the desired service at the virtual machine (col. 5, lines 16-33).
- verifying that the virtual machine may host the logic and execute the desired service based on the parameters created during configuration (col. 4, lines 59-62 and col. 5, lines 34-50).

However, Meushaw does not explicitly disclose:

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- provisioning a first lifecycle policy for the virtual machine.

Lewallen discloses a framework based Java naming and lifecycle services system comprising:

- provisioning a first lifecycle policy for the virtual machine (abstract, paragraphs 0013, 0037, , 0046 and 0074).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meushaw by incorporating or implementing a lifecycle policy for the purpose of specifying how and when lifecycle services should be performed in order to eliminate the need for the client to directly incorporated lifecycle services code into its logic.

As per claims 2 and 21, Meushaw discloses wherein configuring the virtual machine on the router with the parameters comprises:

- allocating a processing resource operable to execute the logic on the virtual machine (col. 3, lines 56-65).

As per claims 3 and 22, Meushaw discloses wherein configuring the virtual machine on the router with the parameters comprises:

- allocating a processing resource operable to execute the logic on the virtual machine (col. 3, lines 56-65); and
- verifying that the virtual machine may host the logic based on the parameters created during configuration comprises determining whether the processing resource is available to execute the logic (col. 4, lines 59-62 and col. 5, lines 34-50).

As per claim 4, Meushaw discloses wherein configuring the virtual machine on the router with the parameters comprises:

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- assigning a plurality of authorized credentials to the virtual machine (col. 4, lines 59-62 and col. 5, lines 34-50).

As per claim 5, Meushaw discloses wherein:

- configuring the virtual machine on the router with the parameters comprises assigning a plurality of authorized credentials to the virtual machine (col. 4, lines 59-62 and col. 5, lines 34-50); and
- receiving, from the remote site, the logic associated with the desired service to execute the desired server at the virtual machine comprises determining an address associated with the remote site (col. 5, lines 16-33).
- verifying that the virtual machine may host the logic an execute the desired service based on the parameters created during configuration (col. 4, lines 59-62 and col. 5, lines 34-50) comprises:
 - a. retrieving logic credentials for the logic from the remote site using the determined address (col. 4, lines 59-62 and col. 5, lines 34-50); and
 - b. comparing the authorized credentials with the logic credentials (col. 4, lines 59-62 and col. 5, lines 34-50).

As per claim 41, Meushaw discloses wherein receiving, from a remote site, logic associated with a desired service to execute the desired service at the virtual machine comprises:

- determining an address associated with the remote site (col. 5, lines 16-33); and
- retrieving a manifest for the logic from the remote site using the determined address, the manifest including a configurable object needed to execute the logic on the virtual machine (col. 5, lines 16-33).

As per claims **10** and **28**, Meushaw discloses:

- wherein the virtual machine comprises a virtual interface including an address (col. 3, lines 47-65).

As per claims **11** and **29**, Meushaw discloses:

- wherein the virtual machine comprises a virtual service including a plurality of addresses (col. 3, lines 47-65).

As per claim **12**, Meushaw further discloses:

- loading default configuration parameters for the router (col. 4, lines 59-62 and col. 5, lines 34-50); and
- receiving a provisioning message to configure the virtual machine on the router (col. 4, lines 59-62 and col. 5, lines 34-50).

As per claims **14**, **31** and **39**, Meushaw further discloses:

- allocating a processing resource operable to execute the logic on the virtual machine (col. 3, lines 56-65); and
- determining whether the processing resource is available to execute the logic (col. 4, lines 59-62 and col. 5, lines 34-50).

As per claims **32** and **38**, Meushaw further discloses:

- assigning a plurality of authorized credentials to the virtual machine (col. 4, lines 59-62 and col. 5, lines 34-50);
- determining an address associated with the remote site (col. 5, lines 16-33);
- retrieving logic credentials for the logic from the remote site based on the determined address (col. 4, lines 59-62 and col. 5, lines 34-50); and

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- comparing the authorized credentials with the logic credentials (col. 4, lines 59-62 and col. 5, lines 34-50).

Allowable Subject Matter

4. Claims 7, 9, 15-17, 23-27 and 33-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 2-5, 10-12, 14, 21-22, 28-32 and 37-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
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A handwritten signature in cursive script that reads "LaShonda Jacobs". The signature is written in dark ink and is positioned below the printed name and title of the examiner.

ltj
October 1, 2007